

IN THE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEIGHBORHOOD ASSOCIATION
OF THE BACK BAY, INC. et al.,

Plaintiffs,

v.

FEDERAL TRANSIT
ADMINISTRATION and
MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,

Defendants.

CA NO. 04-11550-RCL

MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, the defendant Federal Transit Authority hereby moves for summary judgment on Counts I and II of the Second Amended Complaint. As set forth more fully in the accompanying Memorandum, the FTA is entitled to judgment because the administrative record demonstrates that its decision to approval of the project to make the Arlington Street Green Line station accessible, was reasoned, considered and fully in accordance with the applicable law.

Respectfully submitted,

By their attorney,

MICHAEL J. SULLIVAN
United States Attorney

Dated: 29 March 2005

By: /s/ Barbara Healy Smith

Barbara Healy Smith
Assistant U.S. Attorney
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3263

CERTIFICATE OF SERVICE

This is to certify that I have this 29th day of March 2005, served upon the persons listed below a copy of the foregoing Motion for Summary Judgment by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Gerald Fabiano
Pierce, Davis & Perritano, LLP
Ten Wintrop Square
5th Floor
Boston, MA 02110

Stephen M. Leonard
Brown, Rudnick, Berlack Israels, PPC
1 Financial Center
Boston, MA 02111

/s/ Barbara Healy Smith
Barbara Healy Smith
Assistant U.S. Attorney